

SIXTH DAY

(Wednesday, July 26, 1961)

The Senate met at 10:30 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

Absent—Excused

Schwartz

A quorum was announced present.

Reverend Glenn McAlister, former Pastor of Highlands Church of God of Austin, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Baker.

Message from the House

Hall of the House of Representatives
Austin, Texas,
July 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 44, Making it unlawful except under the provisions of this Act for any person to hunt, take, kill or possess, or attempt to hunt, take, or kill any game bird or game animal in Bexar County at any time; or to take, kill, trap or possess, or attempt

to take, kill or trap any fur-bearing animal in said County; or to take, or attempt to take any fresh-water fish from said County by any means or method; providing the powers, duties and authority of the Game and Fish Commission; . . . etc.; and declaring an emergency.

H. B. No. 45, Creating the Commission on Organization of the Executive Branch of the Government to promote economy, efficiency, and improved services in the transaction of the public business; and declaring an emergency.

H. B. No. 55, Granting to the Game and Fish Commission regulatory authority over the wildlife resources of Colorado County subject to certain procedures and limitations; defining "wildlife resources," "depletion," "waste," and "State of emergency" in relation to such wildlife resources; establishing procedures with respect to the issuance of shooting preserve licenses, the operation of shooting preserves, and record keeping therefor; . . . etc.; and declaring an emergency.

H. B. No. 17, A bill to be entitled "An Act creating a conservation and reclamation district under Article XVI, Section 59, located in Wood and Upshur Counties, to be known as the 'Wood and Upshur Counties Water District,' for the purpose of providing or acquiring a source or sources of water supply for municipal, domestic, industrial, and mining uses and processing and transporting the same and for the purpose of providing or acquiring storm sewers; providing for a method of electing a Board of Directors to govern said District; providing for the annexation of additional territory thereto; authorizing the district to do all things to make available for the above named uses underground water or water from surface sources and water it may obtain by purchase, lease, and operation of contracts with persons, firms, corporations, and public agencies or the United States Government or any of its agencies; empowering the district to acquire land and construct, lease or otherwise acquire all facilities necessary or useful in diverting, impounding, storing, processing, or transporting water for the above named purposes; authorizing the district to lease or acquire rights in and to storage and storage capacity in any reservoir; authorizing the issuance of

bonds and making provision for the payment and security thereof; making applicable to the District Title 52, Revised Civil Statutes, as amended, relating to eminent domain, and declaring the district to be a municipal corporation within the meaning of Article 3268 of Title 52; providing that the district shall bear the expense of relocation, raising, or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; prescribing other powers and duties of the district; enacting other provisions relating to the subject; providing for severability; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Aikin submitted the following report:

Austin, Texas,
July 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 33, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

Aikin, Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,
July 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 21, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
July 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 28, have had the same under consideration, and we are instructed to report it back to the Sen-

ate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
July 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 31, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Senator Hardeman submitted the following report:

Austin, Texas,
July 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 14, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HARDEMAN, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committees indicated:

By Senator Parkhouse:

S. B. No. 38, A bill to be entitled "An Act amending Article 1266 of the Revised Civil Statutes of Texas, 1925, relating to the discontinuing of territory as a part of certain cities; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Martin:

S. B. No. 39, A bill to be entitled "An Act to amend Title 53, Revised Civil Statutes of Texas, 1925, relating to escheat, by adding Article 3272a providing for the making of reports by persons holding personal property subject to escheat, defining terms, providing for notices and determination of escheat, administrative and court procedure, sales, determination and payment of subsequent claims, examination of records, reciprocity, penalties, and Expense and Reimbursement Fund, and other related rules

and procedures for enforcement of the escheat laws of the State; making it unlawful, under specified circumstances, to deduct from or charge inactive or dormant deposits which are/ or may become subject to escheat; amending Article 3273 and Article 3284, Revised Civil Statutes of Texas, 1925, relating to petition for escheat, officials authorized to act, contents and procedure, appeal and other related purposes; providing for severability; and declaring an emergency."

To the Committee on Banking.

By Senators Baker and Fuller:

S. B. No. 40, A bill to be entitled "An Act increasing the salaries of the Justices of the Supreme Court, the Judges and Commissioners of the Court of Criminal Appeals, the Justices of the Courts of Civil Appeals, and the State's Attorney before the Court of Criminal Appeals; providing for and fixing their salaries; providing for and fixing the salaries of the Judges of the District Courts and Criminal District Courts of this State; providing that this Act shall not repeal any law authorizing supplemental compensation paid by the counties; providing for a severability clause; repealing conflicting laws; making an appropriation for payment of salary increases provided for in this Act during the biennium beginning September 1, 1961; and declaring an emergency."

To the Committee on Finance.

Senate Concurrent Resolution 15

Senator Baker offered the following resolution:

S. C. R. No. 15, Granting Houston Lighting and Power Company permission to sue the State of Texas.

Whereas, Houston Lighting & Power Company in conjunction with Dallas Power & Light Company, Texas Power & Light Company and Texas Electric Service Company is engaged in building a major electric transmission line which will serve as an interconnection so as to tie together the generating facilities of all of said companies; and

Whereas, The construction of said interconnection will be of great public benefit in that should an emergency occur affecting any one of said companies the generating facilities of the other companies will immediately be-

come available, thereby insuring a continuity of service to the public; and

Whereas, In the construction of said electric transmission line it is necessary that the Harlem Prison Farm located in Fort Bend County, Texas, owned by the State of Texas and under the operation and control of the Texas Board of Corrections, be crossed; and

Whereas, Said Texas Board of Corrections has been authorized by Article 6203d, Tex. Rev. Civ. Stat.; Acts 1943, 48th Leg., R. S., p. 281, Ch. 177, to grant, with the approval of the Attorney General and the Governor, easements for electric transmission lines across lands owned by the State of Texas as a part of the Penitentiary System, for a fair and adequate consideration; and

Whereas, The Texas Board of Corrections and Houston Lighting & Power Company have been unable to agree upon a fair and adequate consideration for the right-of-way in question; and

Whereas, It is desirable in the public interest that there be a judicial ascertainment of the matter; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That Houston Lighting & Power Company be granted permission to sue the State of Texas in condemnation, in any Court of competent jurisdiction for the acquisition of an easement right-of-way for a 345 KV electric power transmission line, with the necessary appurtenances thereto, such suit to be filed within two (2) years of the effective date of this resolution and to be conducted in accordance with, and the recovery to be governed by, the rules and procedures for eminent domain as set forth in Title 52 of the Texas Revised Civil Statutes, such right-of-way easement to cover a strip 150 feet in width across the following described land owned by the State of Texas in Fort Bend County, to-wit:

A certain tract or parcel of land located approximately four (4) miles northeast of Richmond, Texas, and being parts of the William Morton 1½ League Grant, Abstract No. 62, the Jane Wilkins League, Abstract No. 96, and the J. H. Cartwright League, Abstract No. 16, as described in field notes dated January 31, 1935, prepared by R. J. McMahan, Civil En-

gineer, as recorded in Volume 152, page 423, of Fort Bend County Deed Records.

Said 180 ft. wide strip of land being an unobstructed easement the center line of which is described as follows, all coordinates and bearings being referred to the Texas Plane Coordinate System South Central Zone as established by the U. S. Coast and Geodetic Survey in 1934 and based on the position of U.S.C. and G.S. triangulation station "Richmond Magnetic 1935": $X = 3,028,239.1$; $Y = 648,309.0$:

BEGINNING at a point having coordinates $X = 3,050,514.4$; $Y = 657,535.3$, said point being in the northerly right-of-way line of the G. H. & S. A. Railroad and being $N. 81^{\circ} 27' 10'' E.$ a distance of 90.05 feet from the east line of the Jane Wilkens League, Abstract No. 96;

THENCE from the point of beginning $No. 02^{\circ} 41' 00'' W.$ a distance of 4326.09 feet to a point for angle, said point having coordinates $X = 3,050,312.25$; $Y = 661,856.67$;

THENCE $N. 23^{\circ} 18' 20'' W.$ a distance of 20,279.28 feet to a point having coordinates $X = 3,042,290.4$; $Y = 680,481.3$, said point being in the south line of Mortin Road and being $S. 86^{\circ} 51' 10'' W.$ a distance of 858.58 feet from a concrete monument set in the southwest corner of the intersection of Mortin Road and Harlem Road and the end of the easement above described. Said easement containing 101.866 acres of land.

and, be it further

Resolved, That service of citation and any other legal process shall be served upon the Chairman of the Texas Board of Corrections, upon the Attorney General of the State of Texas and upon the Governor of the State of Texas. Service of process upon these officials shall have the same force and effect as the service of process upon the defendant in any other civil case, according to the Rules of Civil Procedure as promulgated and adopted by the Supreme Court of Texas; and, be it further

Resolved, That any party to the suit shall have the right of appeal as provided for in other civil cases; and, be it further

Resolved, That the sole purpose of this resolution is to grant permission to the Houston Lighting & Power Company to bring a suit in condemnation against the State of Texas. No admission of liability or of any fact is

made in any way by passage of this resolution; but on the contrary, it is specifically provided that the facts material to the acquisition of the easement right-of-way in question by Houston Lighting & Power Company must be proved in Court as in other civil cases; and, be it further

Resolved, That any and all defenses and rights which the State of Texas may have shall be pleaded, and none of the defenses and rights which the State of Texas may have are in any way waived by the passage of this resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 16

Senator Willis offered the following resolution:

S. C. R. No. 16, Extending congratulations to the President of United States for great leadership.

Whereas, President Kennedy, in a radio and television broadcast to the people of America, set forth certain steps to be taken to safeguard the freedom of our country; and

Whereas, President Kennedy reaffirmed the great principles set forth in 1823 in the Monroe Doctrine that the United States will resist any attempt of foreign powers to extend their systems of government or control in this hemisphere; and

Whereas, The Texas Legislature and the people of Texas stand 100% behind our great President in his fight against communism and all those who seek to overthrow our form of government; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That the Texas Legislature congratulate the President of the United States for his great leadership; and, be it further

Resolved, That a copy of this resolution be sent to the President and Vice President of the United States, the Speaker of the House of Representatives and all members of the Congress from Texas.

WILLIS
GONZALEZ
PATMAN
OWEN
HARDEMAN
ROBERTS
RATLIFF

SECREST
CRUMP
HERRING
BAKER

The resolution was read.

On motion of Senator Willis and by unanimous consent the resolution was considered immediately and was adopted.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 55, To the Committee on Game and Fish.

Welcome Resolutions

S. R. No. 31—By Senator Owen: Extending welcome to Mr. and Mrs. J. M. Horner of Wink, et al.

S. R. No. 32—By Senator Aikin: Extending welcome to Miss Martha Lou Ward and Miss Kay Lambert.

Adjournment

On motion of Senator Hardeman the Senate at 10:50 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

SEVENTH DAY

(Thursday, July 27, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

A quorum was announced present.

Senator Secrest offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Reports of Standing Committees

Senator Krueger submitted the following report:

Austin, Texas,
July 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 55, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 35, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Senator Fuller submitted the following reports:

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 23, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

Austin, Texas,
July 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 34, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.